



Attorney's Docket No.: 7291.P012

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:

Eric Earnst et al.

Application No.: 10/687,860

Filed: October 17, 2003

TC/A.U. 2882

Examiner: Hoon K. Song

For: PATIENT POSITIONING  
ASSEMBLY FOR THERAPEUTIC  
RADIATION SYSTEM

Confirmation No.: 9563

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Commissioner for Patents  
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**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

In response to the Office Action mailed May 31, 2005, applicant respectfully requests the Examiner to enter the following amendments and consider the following remarks:

**Amendments to the Drawings** begin on page 2 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 3 of this paper.

**Remarks** begin on page 18 of this paper.

**Claim Objection**

Claim 9 has been objected to because of the following formalities, as stated in the Office Action: "In claim 9 at line 1, "said five degrees" lacks antecedent basis." (See Office Action, 5/31/05, page 2). Applicants submit that claim 9, as amended, does not lack antecedent basis, and respectfully submit that the objection be withdrawn.

**Conclusion**

Having tendered the above remarks and amended the claims as indicated herein, the Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: October 13, 2005

  
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Application or Docket Number

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a), (b), or (c))		
SEARCH FEE (37 CFR 1.16(k), (l), or (m))		
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		
TOTAL CLAIMS (37 CFR 1.16(l))	minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))		

SMALL ENTITY	
RATE (\$)	FEE (\$)
X =	
X =	
TOTAL	

SMALL ENTITY	
RATE (\$)	FEE (\$)
X	=
X	=
TOTAL	

\* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II

10-17-05

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(i))	* 62	Minus	** 38
Independent (37 CFR 1.16(ii))	* 4	Minus	*** 6	= —
Application Size Fee (37 CFR 1.16(s))				
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				

SMALL ENTITY	
RATE (\$)	ADDITIONAL FEE (\$)
x 25 =	600 <sup>00</sup>
x =	
TOTAL ADDL FEE	600 <sup>00</sup>

SMALL ENTITY	
RATE (\$)	ADDITIONAL FEE (\$)
X =	
X =	
TOTAL ADD'L FEE	

		(Column 1)		(Column 2)	(Column 3)
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(i))	*	Minus	**	=
	Independent (37 CFR 1.16(h))	*	Minus	***	=
	Application Size Fee (37 CFR 1.16(s))				
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					

RATE (\$)	ADDITIONAL FEE (\$)
$x_1$ =	
$x_2$ =	
TOTAL ADD'L FEE	

RATE (\$)	ADDITIONAL FEE (\$)
X	=
X	=
TOTAL ADD'L FEE	

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20"
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3"

**THE HIGHEST NUMBER PREVIOUSLY PAID FOR (TOTAL OR INDEPENDENT)** is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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